

Before the
Federal Communications Commission
Washington, D.C. 20554

2001 OCT -9 A 11: 15

In the Matter of)
)
Request for Review of a Decision of the)
Universal Service Administrative Company)
By)

Asociacion de Educacion Privada)
San Juan, Puerto Rico)

Federal-State Joint Board on)
Universal Service)

Changes to the Board of Directors of the)
National Exchange Carriers Association, Inc.)

File No. SLD-265532

CC Docket No. 96-45

CC Docket No. 97-21 ✓

RECEIVED

ORDER**Adopted: October 3, 2001****Released: October 4, 2001**

By the Accounting Policy Division, Common Carrier Bureau:

1. The Accounting Policy Division has under consideration a Request for Review filed by the Asociacion de Educacion Privada de Puerto Rico (AEPPR).¹ AEPPR requests review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC or Administrator) relating to AEPPR's application for discounts under the schools and libraries universal service support mechanism.² For the reasons set forth below, we grant AEPPR's Request for Review and remand this matter to SLD.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ In order to receive discounts on eligible services, the Commission's rules require that the applicant submit to the Administrator a completed FCC Form 470, in which the applicant sets forth its

¹ Letter from Eduardo Delgado, Asociacion de Educacion Privada de Puerto Rico, San Juan, Puerto Rico, to Federal Communications Commission, filed April 19, 2001 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to Ludy Pinero, Asociacion de Educacion Privada de Puerto Rico, San Juan, Puerto Rico, dated March 22, 2001 (Funding Year 4 Form 471 Rejection Letter).

³ 47 C.F.R. §§ 54.502, 54.503.

technological needs and the services for which it seeks discounts.⁴

3. Once the applicant has complied with the Commission's competitive bidding requirements and entered into agreements for eligible services, it must file an FCC Form 471 application to notify the Administrator of the services that have been ordered, the carriers with whom the applicant has entered into an agreement, and an estimate of funds needed to cover the discounts to be given for eligible services.⁵ Using information provided by the applicant in its FCC Form 471, the Administrator determines the amount of discounts for which the applicant is eligible. Approval of the application is contingent upon the filing of FCC Form 471, and funding commitment decisions are based on information provided by the school or library in this form.

4. SLD is authorized to establish and implement filing periods and program standards for FCC Form 471 applications by schools and libraries seeking to receive discounts for eligible services.⁶ Every funding year, SLD establishes and notifies applicants of "minimum processing standards" to facilitate the efficient review of the thousands of applications requesting funding.⁷ In Funding Year 4, SLD instructions noted that a fully completed item 4a, of Block 1 was part of the minimum processing standards.⁸ Item 4a, Block 1 requires the applicant to indicate the billed entity's full mailing address, including the street, city, state, and zip code. This information ensures that SLD has the necessary contact information for correspondence relating to the application. When an applicant submits an application that omits an item subject to the minimum processing standards, SLD automatically rejects the form and returns it to the applicant.

5. AEPPR filed its FCC Form 471 with SLD on January 18, 2000.⁹ In its application, AEPPR failed to indicate the city of the billed entity in Block 1, item 4a.¹⁰ As a result, SLD returned the FCC Form 471 to AEPPR because it did not meet minimum processing standards.¹¹ In response, AEPPR filed the instant Request for Review challenging SLD's decision.¹² AEPPR maintains that the information omitted was readily ascertainable from other information included in Block 1 of the application.¹³

6. After review of the instant record, we find that SLD should have processed

⁴ 47 C.F.R. § 54.504(b)(1), (b)(3).

⁵ 47 C.F.R. § 54.504(c).

⁶ See 47 C.F.R. § 54.507(c); *Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service*, CC Docket Nos. 97-21 and 96-45, Third Report and Order in CC Docket No. 97-21 and Fourth Order on Reconsideration in CC Docket No. 97-21 and Eighth Order on Reconsideration in CC Docket No. 96-45, 13 FCC Rcd 25058 (1998).

⁷ See e.g., SLD web site, Form 471 Minimum Processing Standards and Filing Requirements for Funding Year 4, <http://www.sl.universalservice.org/reference/471mps.asp>.

⁸ *Id.*

⁹ FCC Form 471, *Asociacion de Escuelas Privadas de Puerto Rico*, filed January 18, 2000.

¹⁰ *Id.*

¹¹ See Funding Year 4 Form 471 Rejection Letter.

¹² See Request for Review.

¹³ *Id.*

AEPPR's FCC Form 471 and we grant AEPPR's Request for Review. AEPPR asserts that the Commission could have discerned the city of the billed entity from other information included in the FCC Form 471.¹⁴ We agree. Given all of the other information relating to the address of the billed entity in the application, including the billed entity number, the state, and zip code, we conclude that SLD could have determined the city name of the billed entity. As a result, in these particular circumstances, we do not believe that the omission of the city of the billed entity in Block 1, item 4a should have prevented SLD from data entering AEPPR's application.

7. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed April 9, 2001 by Asociacion de Educacion Privada de Puerto Rico, San Juan, Puerto Rico, IS GRANTED and REMANDED to the extent provided herein.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Accounting Policy Division
Common Carrier Bureau

¹⁴ *Id.*